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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,660	12/29/2005	Yoji Kamosawa	283393US3PCT	6295
22850	7590	01/07/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			RAMSEY, JEREMY C	
			ART UNIT	PAPER NUMBER
			3634	
			NOTIFICATION DATE	DELIVERY MODE
			01/07/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/562,660

Applicant(s)

KAMOSAWA ET AL.

Examiner

Jeremy C. Ramsey

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-11 is/are rejected.
- 7) ☐ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 29 DEC 05 and 29 MAR 06.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Specification

1. The specification is objected to as being generally narrative and indefinite, failing to conform with current U.S. practice. It appears to be a literal translation into English from a foreign document and is replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-15 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

4. These claims are replete with indefinite recitations for which the intended meaning is not understood and contain numerous grammatical/idiomatic errors. Furthermore, these claims are narrative in form replete with functional and operational language.

5. For example: claim 1, line 2, "open-close operation", line 3 "crookedly move in and out the inside of", line 5 "lying in a tension state so as to guide the end", line 12 "rotatably serially contacted"; claim 6, line 2 "moves in and out the insides of the frame members fixed at both ends....in its open-close direction"; claim 10 "for achieving a parallel translation".

6. There is no antecedent basis for the following: claim 1, line 8 "the external side surfaces", line 9 "the tops of the standing walls", line 11 "the serial contact surfaces".

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1,5,6,7,8,9,10 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchida U.S. Patent No. 6,186,212 in view of Fuji Sash Japanese Patent Application Publication No. 08121054.

9. In re claim 1, with reference to Figures 2, 3B and 5 Tsuchida '212 discloses a screen device comprising:

- A screen guide (3) allowing a stretchable screen (2) to open and close and move in and out of the inside of at least one frame member (1) fixed to both ends of the screen (2).
- Wherein the screen guide (3) includes a large number of guide pieces (4) formed in an approximately U-shape by its bottom (6) and standing walls (5) extending along the end of the screen (2) and the external side surfaces of the screen.
- The tops of the standing walls on the serial contact surfaces of the guide pieces (4) are rotatably serially contacted with one another and all or part of the serial contact surfaces of the adjacent guide pieces abut against each other.

Tsuchida '212 fails to disclose:

- Guide pieces are composed of a synthetic resin.
- Having passage holes formed along the tops of the standing walls, with two strings of wire members exerted through the holes.

10. With reference to Figure 3, Fuji '054 discloses:

- Having passage holes (unnumbered) formed along the tops of the standing walls (500), with two strings of wire members (73) exerted through the holes.

11. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the screen device of Tsuchida '212 to make the guide pieces be composed of a synthetic resin since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice, in the instant case to help lower cost of manufacture, and to have passage holes in the tops of the standing walls with wire members through them as taught by Fuji '054 in order to act as a wire tensioning mechanism. (Abstract)

12. In re claim 5, with reference to Figure 11 Tsuchida '212 discloses:

- Wherein the screen (2) is extendably formed in an accordion-like shape while being alternately folded back and forth.

13. In re claim 6, Tsuchida '212 discloses:

- Wherein the screen guides (3) move in and out the inside of the frame members (1) fixed at both ends of the screen in its open-close direction.

14. In re claim 7, Tsuchida '212 discloses:

- Wherein the screen is a flexible sheet-like member would around a roller.
(column 6, lines 21-31)

15. In re claims 8, 9 and 10, Tsuchida '212 discloses:

- Wherein the screen (2) is openable by horizontal drawing and screen guides are provided along both upper and lower side ends of the screen.
(Figure 5)
- One end of a tension string (13) for achieving a parallel translation of a moveable frame (1) used for an open-close operation is connected to the screen guide (3).

16. In re claim 11, Tsuchida '212 discloses:

- Wherein the screen (2) is a fly net. (column 1, line 5-11)

17. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchida U.S. Patent No. 6,186,212 and Fuji Sash Japanese Patent Application Publication No. 08121054 as applied to claim 1 and further in view of Uno et al. U.S. Patent No. 6,318,438.

18. In re claim 4, the screen device of Tsuchida/Fuji has been discussed above but fails to disclose:

- Wherein a part of or all the guide pieces include engagements slidably engaging with a guide rail provided on a sliding surface.

19. With reference to Figure 4c, Uno et al '438 discloses:

- Wherein a part of or all the guide pieces (22c) include engagements (30c) slidably engaging with a guide rail (Bc) provided on a sliding surface.

20. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the screen device of Tsuchida/Fuji to include the engagements slidably engaging with a guide rail as taught by Uno et al '438 in order to permit a more stable opening and closing of the screen. (column 5, lines 36-40)

Allowable Subject Matter

21. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tsuchida 5,873,401, Tomita 6,059,007, Uno, et al. JP 2000230381.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy C. Ramsey whose telephone number is 571-270-3133. The examiner can normally be reached on Monday-Friday 6:30 am-4:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeremy Ramsey

A handwritten signature in black ink, appearing to read "Brian E. Glessner", followed by a long horizontal line extending to the right.

BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER